

Remarks/Arguments

The claim amendments are supported by the specification. The epothilone compound is now limited to epothilone B, which is also known as patupilone or EPO906. Thus, the scope of the current claims is the same as that of now cancelled claim 3.

Claims 1-5 and 11 were rejected under 35 USC 103(a) over Danishefsky et al in view of Bollag and Choy. Applicant requests reconsideration and withdrawal of this rejection for the reasons that follow.

The rejection appears to be based at least in part on the Examiner's contention that taxanes are similar in structure to epothilones. Applicant believes that this is incorrect and invites the Examiner to explain the basis for this position.

Applicant has provided two journal articles, Hofstetter et al and Bley et al, which demonstrate a supra additive effect when ionizing radiation and patupilone are combined. Applicant believes that the Examiner takes the position that the data is not commensurate in scope with the claims and indicates that claims should include limits relating to dosage concentrations.

However, Applicant points out that Hofstetter et al in its Abstract reports that combined treatment with low dose patupilone followed by clinically relevant doses of ionizing radiation resulted in a supra-additive cytotoxic effect. In view of such information, Applicant asserts that it is reasonable to conclude that the combination would be useful at the dosages generally used to treat solid tumors. Therefore, it is not necessary to specify doses as suggested by the Examiner. Accordingly, Applicant requests reconsideration and withdrawal of this rejection.

Entry of this amendment and reconsideration and allowance of the claims is requested.

Novartis Pharmaceuticals Corporation
One Health Plaza, Bldg. 101
East Hanover, NJ 07936
(862) 778-7824

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Respectfully submitted,



George Dohmann
Attorney for Applicant
Reg. No. 33,593